DETAILED ACTION

Claim Rejections– 35 USC 112

The Examiner is rejecting claim 1 as failing to comply with the written description requirement. As to claim 1, the Examiner states that the limitation "identifier from data stores matches the at least one access information from the data store" was not described in the specification. The Examiner states that the specification mentions at least one access information is sent from the conferee. Applicant disagrees. Support for the limitation "identifier from the data store matches at least one access information from the data store can be found at least on pages 4, lines 5-6, page 6, line 19-page 7 lines 1-16, page 18 lines 9-18 which describe the access identifier and access information. At least page 10, line 3 thru page 11, line 10 detail how a conference host is "directly connected" once the data stores are populated with the necessary data. Once the *identifier is entered the data store must necessarily match the access data in order to allow the conference* host to be admitted to the conference. At least on page 12, lines 4-5, the disclosure states "upon matching the unique identifier with a record in the data store, the conference call admission process proceeds to connect ..." Also, for example, page 15, line 15-page 16, line 11 discusses limitations found in claim 1. As such, Applicant respectfully believes claim 1 overcomes the 35 USC 112 rejection.

Claim Rejections– 35 USC 101

The Examiner has rejected claims 1-40 as being directed to non-statutory subject matter. Applicant has amended the claims to comply with the Examiner's requested changes. As such, Applicant respectfully believes claims 1-40 overcome the 35 USC 101 rejection.

Double Patenting

The Examiner has stated that claims 1-8 are provisionally rejected under the judicially created doctrine if obviousness-type double patenting as being unpatentable over claims 1, 7, 14 of co-pending application serial No. 12/241,140. Applicant disagrees but, in order to overcome

other rejections or objections, Applicant has amended instant claims 1 and 8. As such, Applicant respectfully believes these amendments overcome the supposed double patenting rejection.

Claim Objections

The Examiner has objected to claims 1, 4-5 and 7, 8, 41, 42 because of the following informalities: There is a type error on the phrase "the conferee." Appropriate correction is required to change from the "the conferee" to the "the given conferee." Applicant has amended the claims per the Examiner's suggestions and respectfully requests that these objections be removed.

Claim Rejections – 35 USC 103

The Examiner stated that claims 1-6, 8-29 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shalit (US 2002/0122391 A1) in view of Stern (US 6,920,212 B2) and further in view of Slaughter (US 5,598,536).

The Examiner stated that claims 30-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shalit (US 2002/0122391 A1) in view of Stern (US 6,920,212 B2) and further in view of Slaughter (US 5,598,536).

The Examiner stated that claims 1, 8, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shalit (US 2002/0122391 A1) in view of Peon et al (US 7,133,665 B1) and further in view of Slaughter (US 5,598,536A). Applicant disagrees and traverses each independent claim and each and every claim depending therefrom as set forth in the arguments below.

Claim 1 in its original state, and substantially claims 8, 41 and 42 (in substance) read as follows:

1. A method of enrolling at least one given conferee to receive conferencing services, the method comprising at least the following:

    receiving at least one request from the given conferee via a telecommunications device to enroll in conferencing services;

providing data stores of a system populated with at least one access information data unique ~~to~~ and necessary to admit the conferee to enroll in the conferencing services;

receiving, via a telecommunications device, at least one unique identifier distinctive to the conferee provided as at least one input to the data stores of the system, wherein the at least one unique identifier is a physical or virtual location from which the given conference call host can initiate communications to access conferencing services and wherein the at least one unique identifier can be cross-referenced with a plurality of unique identifiers distinctive to and associated with the conferee stored in the data stores of the system;

configuring at least one component of the system related to supporting the at least one given conferencing service to connect the given conferee directly to the given conferencing service in response to recognition of at least one of the access information and the at least one unique identifier in the data stores of the system; and

extracting the at least one identifier from determined by an output of the data stores of the system based on the received input, wherein if the at least one identifier from the data stores of the system matches the at least one access information from the data stores of the system, the conferee is able to enroll in the conferencing services.

The Examiner has stated that Shalit teaches "providing data representing access information the given conferee" wherein the given conferee can request access to a given conference call to using the access information" AND "configuring at least one component of a system related to supporting the at least one given conference call to connect the given conferee directly to the given conference call." However, the *original* claim element as written states *"providing data stores of a system populated with at least one access information data unique to and necessary to admit the conferee to enroll in the conferencing services." The Examiner has taken parts – literally – of three claim elements and pieced them together in the above-mention statement to completely change the meaning of the claim.* Moreover, the claim element *"providing data stores of a system populated with at least one access information data unique*

and necessary to admit the conferee to enroll in the conferencing services" provides data stores that are populated with access information data to admit the given conferee to the conference.

The portions quoted from Shalit state "The service forwards this request to a conferencing platform which includes a conference bridge, and which allocates and returns a telephone number and one or more numeric access codes. The telephone numbers and access codes are displayed to selected users through one of several methods described below. The users are instructed to call the telephone number using a standard or VoIP telephone and to enter the access code given to them. The call is received at the conferencing platform from at least two of the selected users. The conferencing platform matches the access codes entered by the at least two users, and places them into a conference call. [0047] In scenario B, a single host decides to invite three other participants in an active chat session to a Buddy Yak session. In this case, the host and all chosen participants see pop-up invitation boxes with instructing them to call a centralized phone number and enter an assigned access code to initiate a Buddy Yak session. [0056] In this step, scheduler 14 within call allocation unit 11 generates access codes and access telephone numbers, and registers these with the call management subsystem of the conferencing platform."

The fact that the Examiner states in his analysis that "in response to recognition of at least one of the access information and the at least one unique identifier …the conference platform matches the access codes entered by the at least two users and places them into a conference call." Applicant does not see how the above specifically relates to the instant claims. Breaking down the original claim element into fragments eliminates the original meaning of the claim element. *Ascertaining the differences between the prior art and the claims at issue requires interpreting the claim language, and considering both the invention and the prior art references as a whole.* See MPEP § 2111 - § 2116.01 for case law pertaining to claim interpretation. The Examiner is not looking at the claimed invention as a whole, but rather distilling the invention down to a gist or thrust of the invention and completely disregarding the "as a whole requirement." See MPEP § 2111. The misinterpretation of this claim element and the fact that it is not taught by Shalit or Stern (as will be detailed below) makes the claim

element, and the entire claim, patentably distinct under 37 CFR 1.111(b) and, therefore allowable.

More specifically, the Examiner states that Shalit does not teach "the at least one unique identifier can be cross-referenced with a plurality of unique identifiers distinctive to and associated with the conferee stored in the data stores of the system." The Examiner further states that Stern teaches "the at least one unique identifier can be cross-referenced with a plurality of unique identifiers distinctive to and associated with the conferee stored in the data stores of the system" *However, this presents only part of the claim element and is taken out of context.* The entire claim element "receiving, via a telecommunications device, at least one unique identifier distinctive to the conferee provided as at least one input to the data stores of the system, wherein the at least one unique identifier is a physical or virtual location from which the given conference call host can initiate communications to access conferencing services and wherein the at least one unique identifier can be cross-referenced with a plurality of unique identifiers distinctive to and associated with the conferee stored in the data stores of the system" has not been shown to be taught or suggested by the cited art. *As such, Applicant believes the Examiner has not achieved the full meaning of the claim and thus has misinterpreted the claim.*

Finally, the Examiner states that Shalit and Stern do not teach that the "unique identifier is a location for which the given conferee can initiate communications to access conferencing services, providing unique identifier populated with at least one access information data unique and necessary to admit the conferee to error (enroll) in the conferencing services, populating the data stores with at least one unique identifier distinctive to the given conferee, at least one unique identifier in the data stores." Again, these are pieces of different claim elements that when taken together make no sense. Moreover, when analyzed as such, the analysis is logically flawed as will be clearly shown. One of Applicant's final claim elements states "configuring at least one component of the system related to supporting the at least one given conferencing service to connect the given conferee directly to the given conferencing service in response to recognition of at least one of the access information and the at least one unique identifier in the data stores of the system." The claim states that "intrinsic to the incoming communication as at least one input to the data stores of the system is cross-referenced with a plurality of unique identifiers

distinctive to and associated with the given conferee stored in the data stores of the system."

Thus, the obtaining of the at least one unique identifier distinctive to the given conferee is a key

limitation, in one embodiment and to this claim. For the at least one unique identifier intrinsic to

the incoming communication, including, but not limited to parameters such as ANI or DNIS are

used as an input to the datastores which contain the access codes. If a match is found between

the at least one unique identifier distinctive to the given conferee and the at least one of the

access information, the system is configured to automatically connect the given conferee with the

given conferencing service.

However, the Examiner in piecing together claim elements. *Ascertaining the differences*

between the prior art and the claims at issue requires interpreting the claim language, and

considering both the invention and the prior art references as a whole. See MPEP § 2111 - §

2116.01 for case law pertaining to claim interpretation. The Examiner is not looking at the

claimed invention as a whole, but rather distilling the invention down to a gist or thrust of the

invention and completely disregarding the "as a whole requirement." See MPEP § 2111. A

clear example is the quoted section of Slaughter chosen by the Examiner in an attempt to teach

Applicant's invention. The section of Slaughter states "Referring to FIG. 3, it is first necessary

to set-up the connections by coupling a communication port of the remote access server to the

telephone lines (step 52) and coupling a network port of the remote access server to the local

computer network (step 54). The server is now ready to receive a dial-in from a remote computer

over the telephone lines and to communicate on the local network. **After the remote access**

server is set-up, the remote user can cause the remote computer to dial-in and connect to

the server over the telephone lines. The remote user then enters into the remote computer a

unique user ID string which the remote computer sends to the server over the telephone

lines. The user ID string uniquely identifies that remote user. The remote access server

receives the user ID string from the communication port (step 56). An optional user

authentication procedure may occur at this time where a user proves his or her identity by

entering a password, by reference to an authentication server database, or by any other method

(step 57)."

As stated clearly above, Applicant's claim, in one embodiment, states that the initial contact, i.e. the telephone call placed to the conference service, i.e. "receiving at least one request from the given conferee via a telecommunications device to enroll in conferencing services" is where the at least one unique identifier intrinsic to the incoming communication, including, but not limited to parameters such as ANI or DNIS are gathered. However, in Slaughter, as in Shalit and Stern, different steps are needed, for example those involving an access code. Thus, Applicant's is novel and non-obvious especially in light of Shalit, Stern and Slaughter. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with *some rational underpinning* to support the legal conclusion of obviousness." (In re Kahn, 441 F. 3d 977, 988 (CA Fed. 2006) cited with approval in KSR).

However, purely in the interest of expediting the prosecution of the instant application, Applicant has amended the independent claims to substantially include the following limitations:

receiving at least one request from the given conferee via a telecommunications device to enroll in conferencing services;

accessing ~~providing~~ data stores of a <u>conferencing server</u> system populated with at least one access information data unique and necessary to admit the <u>given</u> conferee to enroll in the conferencing services;

~~receiving, via a the telecommunications device,~~ <u>automatically obtaining</u> at least one unique identifier distinctive to the <u>given</u> conferee ~~provided~~ <u>and intrinsic to the incoming communication</u> as at least one input to the data stores of the <u>conferencing server</u> system, ~~wherein the at least one unique identifier is a physical or virtual location from which a the given conference call host can initiate communications to access conferencing services,~~ ~~wherein~~ the at least one unique identifier ~~can be~~ cross-referenced with a plurality of unique identifiers distinctive to and associated with the <u>given</u> conferee stored in the data stores of the <u>conferencing server</u> system<u>; and</u>

~~configuring at least one component of the system related to supporting the at least one given conferencing service to automatically connect the given conferee, without further~~

~~manual or verbal input from the conferee, directly to the given conferencing service in response to recognition of at least one of the access information and the at least one unique identifier in the data stores of the system; and~~

<u>automatically</u> extracting the at least one identifier ~~from~~ determined by an output of the data stores of the <u>conferencing server</u> system based on the received input, ~~wherein~~ <u>and</u> if the at least one identifier from the data stores of the <u>conferencing server</u> system matches the at least one access information from the data stores of the <u>conferencing server</u> system, <u>the conferencing server system is configured to automatically connect the given conferee, without further manual or verbal input from the conferee, directly to the given conferencing service</u>~~the given conferee is able to enroll in the conferencing services~~.

Support for such limitations, which are not taught or suggested by the cited art, can be found at least on page 12-24 of the instant application. As such, Applicant believes that independent claims, as well as the claims that depend from them, are in condition for allowance.

Respectfully submitted,

WEST CORPORATION

Date: August 4, 2009

By: /Raffi Gostanian/
Raffi Gostanian
Reg. No. 42,595
Tel: (972) 849-1310